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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,191	03/14/2001	Kouki Tomita	520.39059X00	1714

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,191

Applicant(s)

TOMITA ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-16 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

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1. Claims 1-16 have been examined. Application 09/805,191 (SALES ASSISTANCE SYSTEM AND METHOD THEREOF WITH USING COMPUTER NETWORK) has a filing date 03/14/2001 and foreign priority 2000-108018 (04/05/00).

Response to Amendment

2. In response to Non Final Rejection filed 09/29/2004, the Applicant filed an Amendment on 03/29/2005, which amended claims 1, 2, 6, 9, 11, 13 and 15.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 6, 9, 11 and 15 recites a "shop picked up" but also teaches "delivery of the purchased goods to a place to which goods to be purchased are to be delivered". The Applicant needs to clarify if said purchase goods are picked up at a store or are delivered to another place. For purpose of art rejection, the Examiner would interpret claims 1-16 as said purchase goods are pick up at a store.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant

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for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6 and 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall (US 6,026,375).

As per claims 1 and 6, Hall teaches:

A sales assistance system, being connected with a plurality of client terminals through a network, comprising:

communication means, being connected with said network, for inputting goods purchase request information including a customer address relating information *of a customer* from a client terminals (see column 5, lines 20-30) *being used by said customer*, said customer address relating information includes an address of a place to which goods to be purchased by said customer are to be delivered (see column 4, lines 33-40);

a memory device for storing at least a goods/store information including the goods and the stores which *sell the* goods (see column 3, lines 10-22); and

a controller portion for searching *said* goods/store information using said customer address relating information, *to determine at least one store nearest to said address of said place to which goods to be purchased by said customer are to be delivered, displaying information of said at least one store on said client terminals, detecting a store among said at least one store selected by said customer, and transmitting said goods purchase request information to the selected store so as to effect purchase of said goods and delivery of the purchased goods to said place to which goods to be purchased are to be delivered* (see column 4, lines 33-40).

As per claim 2 Hall teaches:

A sales assistance system as described in the claim 1, wherein a number n said at least one store which are searched and displayed based upon said customer address relating information lies within a range from being equal or greater than ten and being equal or less than twenty ($10 \leq n \leq 20$) (see column 9, lines 20-50).

As per claim 3, Hall teaches:

A sales assistance system according to claim 1, wherein said controller portion further comprises:

a transmit device which sends the inputted goods purchase request information to said store which is detected (see column 3, lines 10-21).

As per claims 4 and 8, Hall teaches:

A sales assistance system as described in the claim 1, wherein said transmit device is at least any one of a facsimile modem, a facsimile apparatus and an electronic mail device (see column 3, lines 10-22).

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As per claims 9, 11, 13 and 15, Hall teaches:

A server connected to network, comprising:

a communication device connected to a network;

a first portion connected to the communication device, to which receives an order of merchandise from an user via the network (see column 3, lines 10-24);

a second portion connected to the communication device, to confirm a delivery address to deliver merchandise ordered *by the user* (see column 3, lines 20-40);

a third portion, connected to the communication device and the second portion, to confirm a shop picked up based on whether the delivery address *is near a location of the shop* (see column 4, lines 20-40);

a fourth portion, connected to the first portion and the third portion, to *allow said user to complete an application for purchase of the merchandise from the shop, said application including the order and a shop address of the shop* (see column 9, lines 19-50); and

a transmitting device, connected to the fourth portion, to transmit the application to the shop at the shop address *said shop upon approval of the application delivers the merchandise to the delivery address* (see column 9, line 19 – column 10, line 5).

As per claims 10, 12, 14 and 16, Hall teaches:

The server connected to network according to claim 11, wherein said application having a signature area for testifying receiving correctly (see column 10, lines 1-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US 6,026,375) in view of Gershman (US 6,401,085).

As per claim 5, Hall teaches:

A sales assistance system as described in the claim 1, but fails to teach wherein the goods/store information which are stored within said memory device includes image information of the goods which the store are handling. However, Gershman teaches in figure 22 a handheld device, which displays to users images of products and services. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hall would use the Gershman system to displays to handheld devices' users with images of products so said users are able to purchase said products.

As per claim 7 Hall teaches:

A sales assistance system as described in the claim 5, wherein a number n of the plural stores which are searched and displayed based upon said customer address relating information lies within a range from being equal or greater than ten and being equal or less than twenty ($10 \leq n \leq 20$) (see column 9, lines 20-50).

Response to Arguments

6. Applicant's arguments, filed 29 march 2005, with respect to the rejection(s) of claim(s) 1-16 under Gershman have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hall.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

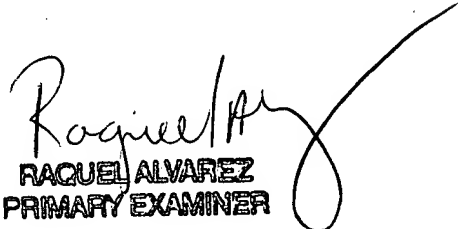
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 571-272-6724. The Examiner's Right Fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 1, 2005


RAQUEL ALVAREZ
PRIMARY EXAMINER